

In the United States Patent and Trademark Office

Applicants:	Paul Hasler et al.	Docket No.:	19,038
Serial No.:	10/791,623	Group:	3761
Confirmation No:	3137	Examiner:	Stephens, Jacqueline F.
Filed:	March 1, 2004	Date:	July 17, 2006
For:	REFASTENABLE PANT-LIKE DISPOSABLE UNDERGARMENT		

Provisional Terminal Disclaimer

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Present Application

1. Kimberly-Clark Worldwide, Inc., doing business at 401 North Lake Street, Neenah, Wisconsin, 54956, is the assignee of the entire right, title and interest in and to the above-referenced present pending U.S. patent application serial number 10/791,623 filed on March 1, 2004 for "Refastenable Pant-Like Disposable Undergarment".
2. Assignment of the inventors' rights in present patent application serial number 10/791,623 to Kimberly-Clark Corporation is evidenced by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 015040, Frame 0779. By way of a conveyance agreement entered into as of November 30, 1996 by and between Kimberly-Clark Corporation and Kimberly-Clark Worldwide, Inc., Kimberly-Clark Corporation assigned the entire right, title and interest in and to the above-referenced present pending U.S. patent application serial number 10/791,623 to Kimberly-Clark Worldwide, Inc. A confirmatory assignment has been recorded in the U.S. Patent and Trademark Office at Reel 015040, Frame 0779.

Copending Commonly Assigned Application

1. Kimberly-Clark Worldwide, Inc. is also the assignee of the entire right, title and interest in and to copending U.S. patent application serial number 10/394,358 filed on March 21, 2003 for "Pant-Like Disposable Garment for Absorbing Human Discharge".
2. Assignment of the inventors' rights in copending patent application serial number 10/394,358 to Kimberly-Clark Corporation is evidenced by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 013910, Frame 0915. By way of a conveyance agreement entered into as of November 30, 1996 by and between Kimberly-Clark Corporation and Kimberly-Clark Worldwide, Inc., Kimberly-Clark Corporation assigned the entire right, title and interest in and to the above-referenced copending U.S. patent application serial number 10/394,358 to Kimberly-Clark Worldwide, Inc. A confirmatory assignment has been recorded in the U.S. Patent and Trademark Office at Reel 103910, Frame 0915.

Right of Assignee to Prosecute

Kimberly-Clark Worldwide, Inc. certifies:

- (a) that the evidentiary documents have been reviewed; and
- (b) that to the best of Kimberly-Clark Worldwide, Inc.'s knowledge and belief, title of present U.S. patent application serial number 10/791,623 is in Kimberly-Clark Worldwide, Inc..

Provisional Terminal Disclaimer

1. In the event that a patent based upon copending U.S. patent application serial number 10/394,358 issues prior to any patent based upon the present U.S. patent application serial number 10/791,623, Kimberly-Clark Worldwide, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present U.S. patent application serial number 10/791,623, which would extend beyond the expiration date of the full statutory term, including any applicable term extensions, defined in 35 U.S.C. 154 and 156 for said earlier issuing patent.
2. Kimberly-Clark Worldwide, Inc. hereby agrees that any patent granted upon present U.S. patent application serial number 10/791,623 shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to copending U.S. patent application serial number 10/394,358 and any patent(s) issuing therefrom. This agreement shall run with any patent granted upon present U.S. patent application serial number 10/791,623 and shall be binding upon the Kimberly-Clark Worldwide, Inc., its successors and/or assigns.

Exceptions to Provisional Terminal Disclaimer

In the event that, after the filing of this Terminal Disclaimer, any patent based upon copending U.S. patent application serial number 10/394,358:

- (a) expires for failure to pay a maintenance fee;
- (b) is held unenforceable;
- (c) is found invalid by a court of competent jurisdiction;
- (d) is statutorily disclaimed in whole;
- (e) is terminally disclaimed under 37 C.F.R. 1.321(a);
- (f) has all of its claims canceled in a reexamination certificate; or
- (g) is otherwise not deemed to provide the rights conveyed by 35 U.S.C. 154 prior to the expiration of its full statutory term;

Kimberly-Clark Worldwide, Inc. specifically does not disclaim any terminal part of any patent granted on the present U.S. patent application serial number 10/791,623 prior to the expiration date of the term defined in 35 U.S.C. 154 and 156 including any term extensions as applicable to any patent granted on copending U.S. patent application serial number 10/394,358.

Fee

Pursuant to 37 C.F.R. 1.321(c)(1), please charge the \$110.00 fee due in accordance with 37 C.F.R. 1.20(d) to Kimberly-Clark Worldwide, Inc.'s deposit account number 11-0875.

The undersigned is an attorney of record in the present application having serial no.10/791,623.

Respectfully submitted,

KIMBERLY-CLARK WORLDWIDE, INC.

PAUL HASLER ET AL.

By:

Thomas J. Connelly
Thomas J. Connelly

Reg. No. 28404

Date: July 17, 2006

CERTIFICATE OF TRANSMISSION

I, Lanette Burton, hereby certify that on July 17, 2006, this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300.

Typed or printed name of person signing this certificate:

Lanette Burton

Signature:

Lanette Burton